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THE LEGAL OBLIGATIONS ARISING OUT OF TREATY RELATIONS BETWEEN CHINA AND OTHER STATES. By Min-Chien T. Z. Tyau. Shanghai: Commercial Press. 1917. pp. xxii, 304.

CHINA'S NEW CONSTITUTION AND INTERNATIONAL PROBLEMS. By Min-Chien T. Z. Tyau. Shanghai: Commercial Press. 1918. pp. xv, 286.

The reviewer is fortunate in being personally acquainted with the author of these two volumes and knows of the very important public service which Dr. Tyau is performing as the independently minded editor of the Peking daily *Leader*. The Chinese are attempting to develop in their country a true public opinion with regard to matters political and thus to lay a basis upon which the substance as well as the form of republican rule can be realized. In this movement Dr. Tyau is playing an important part. That, however, which gives especial value to the two volumes which he has published is that they are an addition to the very scanty juristic literature of China. Since the time of Confucius, some twenty-five hundred years ago, China has not lacked thoughtful treatises dealing with the art of Government as a branch of ethics, but studies by Chinese scholars in the fields of constitutional and international law have been very few in number. When one has mentioned Dr. Koo's "The Status of Aliens in China" the list is almost exhausted.

Of the two volumes by Dr. Tyau, much the more important is the one first listed. The study was prepared as a thesis for the degree of Doctor of Laws in the University of London and gives evidence of genuine scholarship. After a brief historical survey of China's relations with foreign powers, the topical method of considering the treaties themselves is adopted: agreements and conventions of a political character being discussed in Part I; treaties of an economic character in Part II; and treaties of a general character in Part III. The subtitles in Part I are: rights of intercourse, rights of representation, consular jurisdiction and extraterritoriality, concessions and settlements, leased areas, and right of preference. The subtitles in Part II are: rights of trade and residence, right to uniform tariff, cabotage, rights of navigation and inland waters, rights of trade and travel in the interior, rights of landholding, of railroad construction, mining exploitation, and loans. The treaties of a general character are discussed under the chapter headings: right of protection, religious toleration, reciprocity, most favored nation treatment, and treaty interpretation.

Space will permit only a general characterization of Dr. Tyau's work. It has been, upon the whole, well done. The arrangement is logical, original sources have been resorted to, and the conclusions of law are accurately drawn. The final impression which is left upon the reader's mind, and, as the reviewer can testify from personal experience, the correct one, is that the legal situation in China is an extraordinary complicated one. President Lowell has spoken of the Austrian-Hungarian Empire-Kingdom as a laboratory of political experiments. The same may be said of China with reference to her dealings with foreigners and their governments. As the writer has had occasion to say in a contribution to the *Far Eastern Review*: "To the student of international law and diplomacy China is one of the most interesting countries in the world. When a country is not only nominally sovereign but wholly autonomous in the management of its own domestic affairs, its international rights and responsibilities are easily determined by reference to the well-established principles of public law. But when, as in the case of China, we have a state which has permitted, or has been compelled to grant, the exercise within its borders of all kinds of extraterritorial privileges, when there exists within its limits political areas denominated 'Concessions,' 'Settlements,' 'Legation Quarters,' 'Treaty Ports,' 'Leased Territories,' 'War Zones,' 'Foreign Police Boxes,' 'Military Occupations' under the terms of secret military conventions,

and 'Spheres of Influence,' not to speak of a multitude of special arrangements with foreign Powers regarding commercial and industrial rights, railways and mines, loans and currency — when this is the situation we have a condition of affairs which provides a superabundance of material for discussions by the students of international jurisprudence."

Dr. Tyau's later volume, as its title indicates, deals primarily with the constitutional situation in China. It is by no means as important a contribution to political science as is his earlier work. In the main it is devoted to an analysis of the draft of a permanent constitution which the Chinese parliament discussed in 1916 and 1917, but upon which it did not come to a final agreement before it was for the second time dissolved by imperial mandate. And, it may be remarked, this instrument still remains unfinished, and China continues to be governed, avowedly at least, under the "Provisional Constitution" hurriedly drawn up in the early days of 1912. The portion of the volume dealing with international questions furnishes additional discussion of points covered in the earlier volume. The problems of treaty revision are specifically considered, and some attention is given to ameliorations of the international restrictions upon China's freedom of action, which Dr. Tyau hoped might be secured at the Paris Peace Conference — hopes that were doomed to disappointment. One statement may with confidence be made. If a League of Nations is established and takes its duties seriously it will find in China alone an abundance of material upon which to busy itself.

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THE LABOR LAW OF MARYLAND. By Malcolm H. Lauchheimer. Johns Hopkins University Studies in History and Political Science. Series XXXVII, No. 2. Baltimore: Johns Hopkins Press. pp. 163.

Mr. Lauchheimer's dissertation is a most timely and disinterested study in troubled waters. He has set out comprehensively and without the coloring of partisanship the labor law of a typical American State — typical, as he says, in the sense that it is neither among the most progressive nor the most backward. It is the law which governs the employment of the vast majority of American workers. It may, then, be reasonably supposed to set forth those principles of social justice for which we have heard our democracy eulogized in recent conferences, and to the support of which our voters have been earnestly summoned under the banner of "Americanism." The duty to examine it carefully is obvious.

Mr. Lauchheimer introduces his subject with a short review of the criminal statutes, from Edward III to Victoria, which sought to suppress or limit the workers' use of collective action. I think that he attaches too much importance to the fact of their repeal and the subsequent statutory legitimations of unionism. A legal attitude of five hundred years of fear and distrust of combination by labor is not eradicated by simple words of repeal. The repeal only changed the mode of its expression from formal criminal prosecutions to the use of the doctrine of implied malice in civil actions, and the consequent injunction and contempt proceedings. But from another point of view these statutes are important. They were the product of conditions and theories of the function of the state which the war has reproduced. The struggle to create governmental authority after the Wars of the Roses made all combinations within the state as jealously regarded as they were with us during the recent war, while our "mobilization of industry," like the Tudor experiment in state-directed production and trade, made combinations of labor seem peculiarly like preparations for rebellion. The Tudors, not being troubled with notions of *laissez*